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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHELLY A. CLEMENTS, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Case No. C 12-02179 JCS

**JOINT STIPULATION AND
[PROPOSED] ORDER TO STAY
CASE PENDING MEDIATION AND
TO SET TIME TO RESPOND TO
MOTION TO DISMISS**

1 Defendant JPMorgan Chase Bank, N.A. (“Chase” or “Defendant”) and Plaintiff Shelly A.
 2 Clements (“Plaintiff”) (together with Defendant, the “Parties”) respectfully submit the following
 3 Joint Stipulation to Stay the Case Pending Mediation and Set Time to Respond to Motion to
 4 Dismiss.

5 WHEREAS, on May 23, 2012, the Court issued an order setting the schedule for Chase to
 6 respond to Plaintiff’s Complaint (the “May 23, 2012 Order”), ECF No. 20;

7 WHEREAS, pursuant to the Court’s May 23, 2012 Order, Plaintiff’s opposition to
 8 Chase’s motion to dismiss is currently due August 14, 2012 and Chase’s reply in support of its
 9 motion to dismiss is currently due September 3, 2012;

10 WHEREAS, the Parties have met and conferred and agreed to participate in mediation of
 11 the dispute beginning on July 5, 2012 before David Geronemus;

12 WHEREAS, the Parties have further agreed that subsequent mediation sessions will
 13 occur on August 23 and August 24, 2012, and that the mediation will continue until either Party
 14 or the mediator declares the mediation terminated by written correspondence;

15 WHEREAS, after conferring in good faith, the Parties have agreed, subject to court
 16 approval, that mediation prior to the further expenditure of additional time and resources of the
 17 Parties and the Court would be helpful in attempting to reach an early resolution of the Action;
 18 and,

19 WHEREAS, the Parties accordingly stipulate and agree that the case should be stayed
 20 pending private mediation, which will begin on July 5, 2012, that Plaintiff’s opposition to
 21 Chase’s motion to dismiss will be due 30 days after the termination of the mediation, and that
 22 Chase’s reply in support of its motion to dismiss will be due 20 days after Plaintiff’s filing of her
 23 opposition.

24 **IT IS HEREBY STIPULATED AND AGREED, AND RESPECTFULLY**
 25 **REQUESTED AS FOLLOWS:**

26 The case shall be stayed pending the Parties’ mediation. Parties shall engage in
 27 mediation beginning on July 5, 2012 in front of David Geronemus, with subsequent sessions
 28 planned on August 23-24, 2012. If any Party and/or the selected mediator informs the Court that

the mediation was unsuccessful and terminated, Plaintiff shall file her opposition to Chase's motion to dismiss within 30 days after the filing of such a termination notice with the Court and Chase will fill its reply in support of the motion to dismiss within 20 days after Plaintiff's filing of her opposition.

IT IS SO STIPULATED.

DATED: July 2, 2012

Bingham McCutchen LLP

By: /s/ Zachary J. Alinder

Peter Obstler
Zachary J. Alinder
Attorneys for Defendant
JPMorgan Chase Bank, N.A.

DATED: July 2, 2012

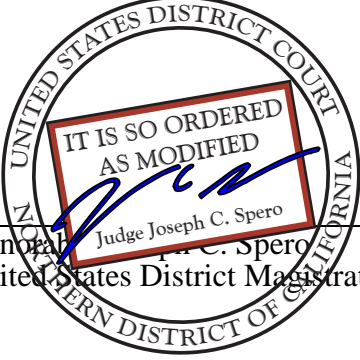
LAW OFFICE OF PETER FREDMAN

By: /s/ Peter Fredman

Peter Fredman
Attorneys for Plaintiff
Shelly A. Clements

PURSUANT TO STIPULATION, IT IS SO ORDERED . IT IS HEREBY FURTHER ORDERED THAT the Case Management Conference set for 8/31/12 at 1:30 PM shall remain on calendar as scheduled.

Dated: July 9, 2012


Honorable Judge Joseph C. Spero
United States District Magistrate Judge

FILER'S ATTESTATION

Pursuant to General Order No. 45, § X(B), I, Zachary J. Alinder, attest under penalty of perjury that concurrence in the filing of the document has been obtained from all of the signatories.

Dated: July 2, 2012

/s/ Zachary J. Alinder
Zachary J. Alinder